UNITED	STATES	DISTR	ICT (COU	RT
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EMANUEL GARCIA, on behalf of himself, FLSA : Case No. 16-CV-0601

Plaintiffs,

-against-

DECLARATION OF BRIAN D. MURPHY

CHIPOTLE MEXICAN GRILL, INC.,

Collective Plaintiffs and the Class,

Defendant.

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I, BRIAN MURPHY, declare as follows:

- 1. I am a partner in the law firm of Sheppard, Mullin, Richter & Hampton, LLP, attorneys for Defendant Chipotle Mexican Grill, Inc. ("Chipotle"). I submit this Declaration in support of Chipotle's Motion to Dismiss the Claims of Opt-In Plaintiffs who are Subject to Arbitration Agreements and to place before the Court relevant information. I know the contents of this Declaration to be true based upon a review of the pleadings and other documents on the Docket in this case.
- 2. In accordance with the Court's November 4, 2016 Order granting conditional certification of a collective, Plaintiff sent out "Notice" to eligible recipients on or about January 31, 2017. The "Notice" required eligible recipients to return an executed "Consent" to participate in the action on or before March 31, 2017.
 - 3. Approximately 244 persons filed "Consents" as of the date of this Motion.
- 4. Of these, approximately 38 "Consents" were filed with the Court after March 31, 2017.

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5. During the course of discovery, Chipotle produced a copy of its Arbitration Agreement, documents demonstrating who among the Opt-In Plaintiffs executed the Arbitration Agreement, and other wage and hour records.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on September 14, 2017 at New York, New York

/s/ Brian D. Murphy BRIAN D. MURPHY

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